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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DECLARATION OF YURI S. FUCHS IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION
FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT**

The Hon. William H. Alsup

1 I, Yuri S. Fuchs, declare, pursuant to 28 U.S.C. § 1746 and Local Rule 7-3, as follows:

2 1. I am a member in good standing of the State Bar of California and am admitted as
3 a federal attorney in this Court. I represent all of the Defendants in this action.

4 2. On February 27, 2025, the Court ordered OPM to provide written notice of its
5 February 27, 2025 TRO to the Bureau of Land Management (“BLM”), Department of Defense
6 (“DOD”), National Science Foundation (“NSF”), National Park Service (“NPS”), Small
7 Business Administration (“SBA”), and Veterans Administration (“VA”). *See* ECF No. 45 at 24.
8 On February 28, the Court amended the TRO to remove NSF and add the Fish and Wildlife
9 Service (“FWS”). *Id.*

10 3. The government provided notice of this Court’s order to DOD on February 27,
11 2025. OPM provided notice of this Court’s order to BLM, NSF, NPS, SBA, and the VA on
12 February 28, 2025. OPM provided notice to FWS, and further notice to DOD, on March 3, 2025.

13 4. On March 4, 2025, OPM issued revised guidance clarifying that “OPM is not
14 directing agencies to take any specific performance-based actions regarding probationary
15 employees[,]” and further clarifying that “[a]gencies have ultimate decision-making authority
16 over, and responsibility for, such personnel actions.” Mem. from Charles Ezell, Acting Director,
17 OPM, to Heads and Acting Heads of Departments and Agencies (Revised March 4, 2025). A
18 true and correct copy of this revised guidance is attached hereto as Ex. 1.

19 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
20 and correct.

21 Dated: March 7, 2025

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24 /s/ Yuri S. Fuchs
25 YURI S. FUCHS
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